

State Human Cloning Laws

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Fifteen states have laws pertaining to human cloning. The issue was first addressed by California legislature, which banned reproductive cloning, or cloning to initiate a pregnancy, in 1997. Since then Arkansas, Connecticut, Indiana, Iowa, Maryland, Massachusetts, Michigan, Rhode Island, New Jersey, North Dakota, South Dakota, and Virginia have enacted measures to prohibit reproductive cloning. Arizona and Missouri have measures that address the use of public funds for cloning, and Maryland prohibits the use of state stem cell research funds for reproductive cloning and possibly therapeutic cloning depending on how one interprets the definition of human cloning in the statute. Louisiana also enacted legislation that prohibited reproductive cloning, but the law expired in July 2003.

Arkansas, Indiana, Iowa, Michigan, North Dakota and South Dakota laws extend their prohibitions to therapeutic cloning, or cloning for research purposes. Virginia's law also may ban human cloning for any purpose, but it may be open to varying interpretations because the law does not define the term "human being," which is used in the definition of human cloning. Rhode Island law does not prohibit cloning for research, and California and New Jersey human cloning laws specifically permit cloning for the purpose of research.

For a discussion of issues related to cloning in further detail, please see NCSL's magazine article on human cloning "[Attack of the Clones](#)" published in the April 2003 issue of *State Legislatures*. NOTE: This article does not reflect subsequent changes to state human cloning laws. Please see the table below for current state laws.

State	Statute Citation	Summary	Prohibits Reproductive Cloning	Prohibits Therapeutic Cloning	Expiration
Arizona	HB 2221 (2005)	Bans the use of public monies for reproductive or therapeutic cloning.	Prohibits use of public monies	Prohibits use of public monies	
Arkansas	§20-16-1001 to	Prohibits therapeutic and reproductive cloning; may not ship, transfer or	yes	yes	

	<u>1004</u>	receive the product of human cloning; human cloning is punishable as a Class C felony and by a fine of not less than \$250,000 or twice the amount of pecuniary gain that is received by the person or entity, which ever is greater			
California	Business And Professions <u>§16004-5</u> Health & Safety <u>§24185,</u> <u>§24187,</u> <u>§24189,</u> <u>§12115-7</u>	Prohibits reproductive cloning; permits cloning for research; provides for the revocation of licenses issued to businesses for violations relating to human cloning; prohibits the purchase or sale of ovum, zygote, embryo, or fetus for the purpose of cloning human beings; establishes civil penalties	yes	no	
Connecticut	<u>2005 SB 934</u>	Prohibits reproductive cloning, permits cloning for research; punishable by not more than one hundred thousand dollars or imprisonment for not more than ten years, or both	yes	no	
Indiana	<u>2005 Senate Enrolled Act</u>	Prohibits reproductive and therapeutic cloning; allows for the revocation	yes	yes	

	<u>No. 268</u>	of a hospital's license involved in cloning; specifies that public funds may not be used for cloning; prohibits the sale of a human ovum, zygote, embryo or fetus;			
Iowa	<u>707B.1 to 4</u>	Prohibits human cloning for any purpose; prohibits transfer or receipt of a cloned human embryo for any purpose, or of any oocyte, human embryo, fetus, or human somatic cell, for the purpose of human cloning; human cloning punishable as Class C felony; shipping or receiving punishable as aggravated misdemeanor; if violation of the law results in pecuniary gain, then the individual is liable for twice the amount of gross gain; a violation is grounds for revoking licensure or denying or revoking certification for a trade or occupation	yes	yes	
Maryland	<u>2006 SB 144</u>	Prohibits reproductive cloning; prohibits donation of oocytes for state-funded stem cell research	yes	no	

		<p>but specifies that the law should not be construed to prohibit therapeutic cloning; prohibits purchase, sale, transfer or obtaining unused material created for in vitro fertilization that is donated to research; prohibits giving valuable consideration to another person to encourage the creation of in vitro fertilization materials solely for the purpose of research; punishable by up to three years in prison; a maximum fine of \$50,000 or both</p>			
Massachusetts	<u>2005 SB 2039</u>	<p>Prohibits reproductive cloning; permits cloning for research; prohibits a person from purchasing, selling, transferring, or obtaining a human embryonic, gametic or cadaveric tissue for reproductive cloning; punishable by imprisonment in jail or correctional facility for not less than five years or more than ten years or by or by imprisonment in state prison for not more</p>	yes	no	

		than ten year or by a fine of up to one million dollars; in addition a person who performs reproductive cloning and derives financial profit may be ordered to pay profits to Commonwealth			
Michigan	<u>§§333.2687-2688,</u> <u>§§333.16274-16275,</u> <u>333.20197,</u> <u>333.26401-26403,</u> <u>750.430a</u>	Prohibits human cloning for any purpose and prohibits the use of state funds for human cloning; establishes civil and criminal penalties	yes	yes	
Missouri	<u>§1.217</u>	Bans use of state funds for human cloning research which seeks to develop embryos into newborn child	Prohibits the use of state funds	no	
New Jersey	<u>§2C:11A-1,</u> <u>§26:2Z-2</u>	Permits cloning for research; prohibits reproductive cloning, which is punishable as a crime in the first degree; prohibits sale or purchase, but not donation, or embryonic or fetal tissue, which is punishable as a crime in the third degree and a fine of up to	yes	no	

		\$50,000			
North Dakota	<u>§12.1-39</u>	Prohibits reproductive and therapeutic cloning; transfer or receipt of the product of human cloning; transfer or receipt, in whole or in part, any oocyte, human embryo, human fetus, or human somatic cell, for the purpose of human cloning; cloning or attempt to clone punishable as a class C felony; shipping or receiving violations punishable as class A misdemeanor	yes	yes	
Rhode Island	<u>§23-16.4-1 to 4-4</u>	Prohibits human cloning for the purpose of initiating a pregnancy; for a corporation, firm, clinic, hospital, laboratory, or research facility, punishable by a civil penalty punishable by fine of not more than \$1,000,000, or in the event of pecuniary gain, twice the amount of gross gain, whichever is greater; for an individual or an employee of the firm, clinic, hospital, laboratory,	yes	no	July 7, 2010

		<p>or research facility acting without the authorization of the firm, clinic, hospital, or research facility, punishable by a civil penalty punishable by fine of not more than \$250,000, or in the event of pecuniary gain, twice the amount of gross gain, whichever is greater</p>			
South Dakota	<u>§34-14-27</u>	<p>Prohibits reproductive and therapeutic cloning; transfer or receipt of the product of human cloning; transfer or receipt, in whole or in part, any oocyte, human embryo, human fetus, or human somatic cell, for the purpose of human cloning; cloning or attempt to clone is punishable as a felony and a civil penalty of two thousand dollars or twice the amount of gross gain, or any intermediate</p>	yes	yes	
Virginia	<u>§32.1-162.32-2</u>	<p>Prohibits reproductive cloning; may prohibit therapeutic cloning but it is unclear because human being is not defined in the definition of human</p>	yes	unclear	

		<p>cloning; human cloning defined as the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed; also prohibits the implantation or attempted implantation of the product of somatic cell nuclear transfer into an uterine environment so as to initiate a pregnancy; the possession of the product of human cloning; and the shipping or receiving of the product of a somatic cell nuclear transfer in commerce for the purpose of implantation of such product into an uterine environment so as to initiate a pregnancy. The law establishes civil penalty not to exceed \$50,000 for each incident.</p>			
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Source: NCSL, West Group

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